

1-25-22
DWA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

TOMMY CONSTANTINE,

Defendant.

-----X

AZ. NO: 22-8027MJ

EX PARTE ORDER
13-CR-607 (JFB)

JOSEPH F. BIANCO, Circuit Judge (sitting by designation):

The Court has received the government's *ex parte* application seeking to have defendant Tommy Constantine's bail revoked and a bench warrant be issued for his arrest and transfer to USP Lompoc. For the reasons set forth in the government's letter, the request is granted.

In particular, the grounds articulated for the one-week extension of the surrender date by the defendant in a letter to the Court dated January 19, 2022 (namely, to allow him to recover from COVID-19 at home and due to his inability to travel under the current COVID-19 protocols) are completely contradicted by the photographic surveillance evidence that the defendant was working in a restaurant for approximately two hours on January 21, 2022. The government also represents to the Court that the defendant traveled on that same date to the offices of a private jet company. In short, given that the defendant's conduct is inconsistent with the representations to the Court, and given the Court's concerns regarding risk of flight that the government has argued to the Court in connection with past bail motions (including the 10-year sentence that he will need to serve), the Court concludes that there is no longer any need for Mr. Constantine to remain at liberty and that he should not be permitted to self-surrender.

Accordingly, the Court revokes the defendant's bail and will issue a bench warrant for the defendant's arrest. The government's *ex parte* application (and this order) will be filed under seal until the arrest is effectuated.

SO ORDERED.

JOSEPH F. BRANCO
UNITED STATES CIRCUIT JUDGE
(sitting by designation)

Dated: January 24, 2022
Central Islip, New York

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

United States of America
v.

TOMMY CONSTANTINE

Case No. 13-CR-607

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) TOMMY CONSTANTINE,
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
 ☐ Complaint
☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice
☒ Order of the Court

This offense is briefly described as follows:

Date: 01/24/2022

City and state: Central Islip, NY

Issuing officer's signature

Visiting U.S. Circuit Judge Joseph F. Bianco

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title